

Practitioner's Docket No. 2955/107 PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: William R. Hambrecht et al.

Application No.: 10/632,818 Group No.: 3691  
 Filed: August 4, 2003 Examiner: Campen, Kelly Scaggs  
 For: Auction System and Method for Pricing and Allocation during Capital Formation

Mail Stop Amendment  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

TRANSMITTAL OF SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT  
 WITHIN THREE MONTHS OF FILING OR  
 BEFORE MAILING OF FIRST OFFICE ACTION (37 C.F.R. § 1.97(b))

IDENTIFICATION OF TIME OF FILING THE ACCOMPANYING  
 SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

The supplemental information disclosure statement submitted herewith is being filed within three months of the filing date of the application or date of entry into the national stage of an international application or before the mailing date of a first Office action on the merits, whichever event occurs last. 37 C.F.R. § 1.97(b).

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CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10\*

(When using Express Mail, the Express Mail label number is *mandatory*;  
*Express Mail certification is optional.*)

I hereby certify that, on the date shown below, this correspondence is being:

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☒ deposited with the United States Postal Service in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

37 C.F.R. § 1.8(a)

☒ with sufficient postage as first class mail.

37 C.F.R. § 1.10\*

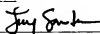
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## TRANSMISSION

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Date: 8/8/07

  
 Signature

Jay Sandvos

(type or print name of person certifying)

\* Only the date of filing (§ 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under § 1.8 continues to be taken into account in determining timeliness. See § 1.703(f). Consider "Express Mail Post Office to Addressee" (§ 1.10) or facsimile transmission (§ 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

DATE: 8/8/07

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02955/00107 717220.1



Receipt date: 08/10/2007

10632818 - GAU: 3691

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Commissioner for Patents  
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SUPPLEMENTAL  
INFORMATION DISCLOSURE STATEMENT

NOTE: "An information disclosure statement shall be considered by the Office if filed by the applicant:  
(1) Within three months of the filing date of a national application;

(Information Disclosure Statement--page 1 of 7)

CERTIFICATION UNDER 37 C.F.R. SECTIONS 1.8(a) and 1.10\*  
(When using Express Mail, the Express Mail label number is mandatory;  
Express Mail certification is optional.)

I hereby certify that, on the date shown below, this correspondence is being:

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37 C.F.R. SECTION 1.8(a)

37 C.F.R. SECTION 1.10\*

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TRANSMISSION

☐ transmitted by facsimile to the Patent and Trademark Office.

Signature

Date: 8/8/07

Jay Sandvos  
(type or print name of person certifying)

\*WARNING: Each paper or fee filed by "Express Mail" must have the number of the "Express Mail" mailing label placed thereon prior to mailing. 37 C.F.R. section 1.10(b).  
"Since the filing of correspondence under section 1.10 without the Express Mail mailing label thereon is an oversight that can be avoided by the exercise of reasonable care, requests for waiver of this requirement will not be granted on petition." Notice of Oct. 24, 1996, 60 Fed. Reg. 56,439, at 56,442.

(2) Within three months of the date of entry of the national stage as set forth in section 1.491 in an international application; or

(3) Before the mailing date of a first Office action on the merits, whichever event occurs last." 37 C.F.R. section 1.97(b)

**NOTE:** "Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section." 37 C.F.R. section 1.56(a).

"Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:

(1) each inventor named in the application;

(2) each attorney or agent who prepares or prosecutes the application; and

(3) every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application." 37 C.F.R. section 1.56(c).

**NOTE:** The "duty as described in section 1.56 will be met so long as the information in question was cited by the Office or submitted to the Office in the manner prescribed by sections 1.97(b) - (d) and 1.98 before issuance of the patent." Notice of January 9, 1992, 1135 O.G. 13-25 at 17.

**WARNING:** "No information disclosure statement may be filed in a provisional application." 37 C.F.R. section 1.51(b).

### **List of Sections Forming Part of This Information Disclosure Statement**

The following sections are being submitted for this Information Disclosure Statement:

(check sections forming a part of this statement: discard unused sections and number pages consecutively)

1. ☒ Preliminary Statements
2. ☒ Forms PTO/SB/08A and 08B (substitute for Form PTO-1449)
3. ☒ Statement as to Information Not Found in Patents or Publications
4. ☐ Identification of Prior Application in Which Listed Information Was Already Cited and for Which No Copies Are Submitted or Need Be Submitted
5. ☐ Cumulative Patents or Publications
6. ☒ Copies of Listed Information Items Accompanying This Statement
7. ☐ Concise Explanation of Non-English Language Listed Information Items
  - 7A. ☐ EPO Search Report
  - 7B. ☐ English Language Version of EPO Search Report
8. ☐ Translation(s) of Non-English Language Documents
9. ☐ Concise Explanation of English Language Listed Information Items (Optional)
10. ☒ Identification of Person(s) Making This Information Disclosure Statement

(complete the following, if appropriate)

Sections , respectively, have been continued on ADDED PAGE(S).

**NOTE :** "Once the minimum requirements are met, the examiner has an obligation to consider the information." Notice of April 20, 1992 (1138 O.G. 37-41, 37).

**Section 1. Preliminary statements**

Applicants submit herewith patents, publications or other information, of which they are aware that they believe may be material to the examination of this application, and in respect of which, there may be a duty to disclose.

The filing of this information disclosure statement shall not be construed as a representation that a search has been made (37 C.F.R. section 1.97(g)), an admission that the information cited is, or is considered to be, material to patentability, or that no other material information exists.

The filing of this information disclosure statement shall not be construed as an admission against interest in any manner. Notice of January 9, 1992, 1135 O.G. 13-25, at 25.

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ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /K.C./



## SECTION 2. FORMS PTO/SB/08A and 08B (formerly Form PTO-1449)

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Hambrecht, et al Attorney Docket: 2955/107  
 Serial No: 10/632,818 Art Group Unit: 3691  
 Date Filed: Aug. 4, 2003 Examiner Name: Campen, Kelly Scaggs  
 Invention: Auction System and Method for Pricing and Allocation During Capital Formation

**LIST OF PATENTS AND PUBLICATIONS FOR  
 APPLICANT'S INFORMATION DISCLOSURE STATEMENT**

OTHER DOCUMENTS			
Examiner Initials	Reference Number	Author	Title of Article, Title of Journal, Volume Number, Page Numbers, Date
	EM	Hyatte, Michael	Letter to SEC dated 7/20/2000, 2000 WL 1013584 (S.E.C. Action Letter)
	EN	Ausubel, L.M., et al	"Auctioning Securities", Working Paper, Dept. of Economics, University of Maryland, March 1998
	EO	Biais, B., et al	"IPO Auctions: English, Dutch, . . . French, and Internet", <i>Journal of Financial Intermediation</i> 11, pp. 9-36 (2002)
	EP	Chemmanur, T.J., et al	"How Should a Firm Go Public? A Dynamic Model of the Choice Between Fixed-Price Offerings and Auctions in IPOs and Privatizations" . EFA 2003 Annual Conference Paper No. 366.

(Information Disclosure Statement--page 4 of 7)

ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /K.C./

Applicants: Hambrecht, et al Attorney Docket: 2955/107  
Serial No: 10/632,818 Art Group Unit: 3691  
Date Filed: August 4, 2003 Examiner Name: Campen, Kelly Scaggs  
Invention: Auction System and Method for Pricing and Allocation During Capital Formation

**LIST OF PATENTS AND PUBLICATIONS FOR  
APPLICANT'S INFORMATION DISCLOSURE STATEMENT**

Examiner Initials	Reference Number	Author	Title of Article, Title of Journal, Volume Number, Page Numbers, Date
	EQ	Sherman, A.	"Global Trends in IPO Methods: Book Building vs. Auctions", <i>Journal of Financial Economics</i> , Vol. 78, Issue 3, Dec. 2005, pp. 615-649
	ER	Vickrey, W.	"Counterspeculation, Auctions, and Competitive Sealed Tenders", <i>The Journal of FINANCE</i> , The American Finance Association, Vol. XVI, 1961
	ES	Vickrey, W.	"Auction and Bidding Games" Recent Advances in Game Theory, 1962 - Princeton University Press

Examiner Signature:	<u>/Kelly Campen/</u>
Date Considered:	<u>03/31/2008</u>
EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation <i>if not</i> in conformance and not considered. Include copy of this form with next communication to applicant.	

**Section 6. Copies of Listed Information Items Accompanying This Statement**

*NOTE: 37 C.F.R. section 1.98(a)(2) requires that any information disclosure statement filed under section 1.97 shall include: "A legible copy of: (i) Each U.S. and foreign patent; (ii) Each publication or that portion which caused it to be listed; and (iii) All other information or that portion which caused it to be listed, except that no copy of a U.S. patent application need be included . . ."*

*NOTE: The wording in section 1.98(a)(2)(iii) makes it clear that the requirement to submit a copy of each item of information listed in an information disclosure statement does not apply to the citation of a U.S. patent application. Notice of January 9, 1992, 1135 O.G. 13-25, at 14.*

Legible copies of all items listed in Forms PTO/SB/08A and 08B (substitute for Form PTO-1449) accompany this information statement.

*(complete the following, if applicable)*

☒ Exception(s) to above:

**U.S. patent citations are not included pursuant to the United State Patent and Trademarks Office's September 21, 2004 waiver of the copy requirement in 37 CFR 1.98 for cited pending U.S. patent citations when the patent citations are available in the USPTO's IFW system.**

☐ Items in prior application, from which an earlier filing date is claimed for this application, as identified in Section 4.

☐ Cumulative patents or publications identified in Section 5.

(Information Disclosure Statement--page 6 of 7)

ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /K.C./



**Section 10. Identification of Person(s) Making This Information Disclosure Statement**

The person making this certification is

*(check each applicable item)*

- (a) ☐ the inventor(s) who signs below

\_\_\_\_\_  
SIGNATURE OF INVENTOR

\_\_\_\_\_  
*(type name of inventor who is signing)*

- (b) ☐ an individual associated with the filing and prosecution of this application (37 C.F.R. section 1.56(c))

\_\_\_\_\_  
SIGNATURE OF INVENTOR

\_\_\_\_\_  
*(type name of inventor who is signing)*

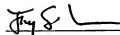
- (c) ☒ the practitioner who signs below on the basis of the information:

*(check each applicable item)*

☐ supplied by the inventor(s).

☐ supplied by an individual associated with the filing and prosecution of this application. (37 C.F.R. section 1.56(c)).

☒ in the practitioner's file.

\_\_\_\_\_  


SIGNATURE OF PRACTITIONER

Reg. No.: 43,900

\_\_\_\_\_  
Jay Sandvos

\_\_\_\_\_  
*(type or print name of practitioner)*

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Boston, MA 02110-1618

02955/00107 716673.1

(Information Disclosure Statement--page 7 of 7)

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